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**Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms**

# Human rights to safe drinking water and sanitation

## Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on the human rights to safe drinking water and sanitation, Léo Heller, submitted pursuant to Assembly resolution 64/292 and Human Rights Council resolution 18/1.

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# Report of the Special Rapporteur on the human rights to safe drinking water and sanitation

*Summary*

The present report complements the Special Rapporteur's first report on the realization of the human rights to water and sanitation in development cooperation (A/71/302). The Special Rapporteur examines, through six case studies, how funders contribute to the realization of the human rights to water and sanitation and respond to related challenges and gaps. He proposes the concept of a "human rights development cycle" as a framework for funders to safeguard and implement the human rights to water and sanitation in their development cooperation activities. In accordance with that framework, he provides a critical assessment of how funders incorporate the normative contents of the human rights to water and sanitation and human rights principles in their policies, strategies and operational tools, as well as how those rights are implemented in the project selection, design, implementation, assessment and monitoring stages.

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# I. Introduction

1. In 2016, the Special Rapporteur submitted a report on the human rights to water and sanitation and development cooperation to the General Assembly at its seventy-first session (A/71/302). In that first report, the human rights obligations of bilateral and multilateral funders in that regard were clarified and funders' human rights approaches, the evolution of development cooperation in the sector and trends in funding patterns were examined. The analysis and findings in that report were based on information from policy documents, academic works and submissions received in response to a questionnaire sent to States and other key stakeholders.

2. On the basis of the theoretical framework developed in the first report, in the present report, through case studies, the question of how funders contribute to the realization of the human rights to water and sanitation and respond to related challenges and gaps is examined.

3. In the present report, the term "funder" is used instead of "donor" or other terminology to highlight that entities often operate through loans and not only through donations. The term "partner State" is used instead of "recipient country"; this is intended to support a more horizontal relationship between the funder and the State receiving support.

4. Although funders include a range of actors, such as States, financial institutions, international or regional organizations, non-governmental organizations and private entities, the scope of the present report does not include assistance provided by non-governmental and private entities.

## A. Methodology

5. The present report is based on an empirical analysis of six funders: France and Japan (State funders), the European Union (a regional integration organization), the World Bank and the Inter-American Development Bank (IADB) (international financial institutions) and the United Nations Children's Fund (UNICEF) (a United Nations agency). The selection took into consideration the types and regional balance of funders and their activities, and the role of funders as important contributors to worldwide funding for water and sanitation through development cooperation.

6. For each case, the Special Rapporteur assessed funders' support through grants and concessional loans[1] as framed through their policies, programmes and strategies. The information was complemented by interviews with key officials at funders' headquarters. Additionally, five current projects (three in the African region and two in the Latin American and Caribbean region) receiving support from the six funders were selected to assess the funders' operations. The selection considered the inclusion of both urban and rural areas, water and sanitation services and grant and loan funding modalities. Assessments included a review of project documents, field visits by the Special Rapporteur and interviews with implementers, beneficiaries and the funder's operational team.

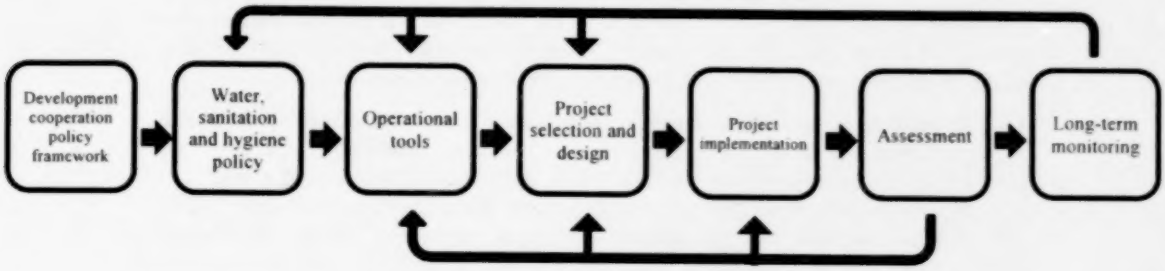
7. In order to collect the views of a range of experts, the Special Rapporteur convened a consultation on the subject of the report on 23 and 24 May 2017 in Rio de Janeiro, Brazil. Furthermore, relevant excerpts from the report were shared with the funders for their input.

[1] Concessional loans include a grant element of at least 25 per cent.

## B. Analytical framework

8. The analysis carried out is based on a framework that focuses on aligning the life cycle of development cooperation with the human rights to water and sanitation. The Special Rapporteur proposes the concept of a "human rights development cycle", as presented in the figure below. In this hypothetical framework, stages are identified where funders can place guarantees and safeguards to ensure that their development cooperation will fully incorporate human rights. Within the human rights development cycle, it is expected that funders entrench the human rights principles and standards in each particular stage and in an integrated fashion throughout all stages. The framework constitutes a non-linear approach, since stages are not necessarily sequential. Notably, assessment and monitoring play a key role in feeding back into previous stages of the cycle and improving funders' capacity to contribute to the progressive realization of the human rights to water and sanitation.

**Human rights development cycle**




9. In the present report, the relationship between the human rights to water and sanitation and development cooperation and the obligations of funders in that context is explored (sect. II). Thereafter, through the "human rights development cycle", the following issues are examined: how funders incorporate the framework of the human rights to water and sanitation in their policies and strategies (sect. III); the contribution of operational tools to implement those rights (sect. IV); and how those rights are implemented at the project selection, design and implementation stage (sect. V) and at the assessment and monitoring stage (sect. VI). The report concludes with main findings and recommendations (sect. VII).

# II. Background

## A. Human rights to water and sanitation and development cooperation

10. Development cooperation may have a positive or negative impact on the realization of the human rights to water and sanitation. If conceived and implemented properly, it can assist partner States in transforming their water and sanitation sector and contribute towards the progressive realization of those rights. However, when development cooperation projects are carried out with little commitment or clarity as to how those rights are integrated, projects may have negative impacts on individuals' rights to water and sanitation.

11. Development cooperation represents an important share of funding for water and sanitation in the global South. Moreover, the way that development cooperation is carried out in many countries establishes a benchmark for how the water and sanitation sector is managed, especially in countries that strongly rely on such sources (A/71/302, para. 3). In particular, development cooperation is expected to

play an important role in achieving the Sustainable Development Goals. Target 6.a of the Goals aims to expand international cooperation and capacity-building support to developing countries in water- and sanitation-related activities and programmes. Moreover, target 17.2 expresses the commitment of developed countries to fully implement their official development assistance commitments in a way that would significantly increase the amount of funds disbursed to partner States. Indeed, it is estimated that the capital investments required to achieve Sustainable Development Goal 6, on water, sanitation and hygiene — approximately $114 billion per year — amount to around three times the current investment levels.[2]

12. In 2015, grants and concessional loans represented 66 per cent[3] of total development cooperation disbursements to the water and sanitation sector, reaching a total of $7.4 billion. Relevant funding modalities include funding for specific projects, technical cooperation and assistance or broader budget support for the sector. The steady global increase in funding to the water and sanitation sector since 2000 masks significant annual variations in disbursed funds and funding flows (for example, grants versus loans). In the period 2006-2010, 59 per cent of official development assistance[4] disbursements to the water and sanitation sector were grants and 41 per cent were concessional loans; in the period 2010-2015, 49 per cent of disbursements were grants and 51 per cent were concessional loans.[5]

13. Integrating human rights throughout the development cycle (see figure) helps to ensure that the needs of those living in the most vulnerable situations are prioritized, that services are provided in a safe and affordable way and that providers guarantee participation, access to information and accountability. This approach is the best way to achieve targets 6.1 and 6.2 of the Sustainable Development Goals. Otherwise, those targets will most likely not be achieved through the traditionally technocratic way that the water and sanitation sector is usually managed. Such traditions also extend to development cooperation practice and often reflect how projects in this sector are selected, designed and managed.

## B. Human rights obligations of funders

14. Development cooperation in the water and sanitation sector involves various actors: the funder, the partner State and, when it exists, the implementing entity. The present report is focused on the roles of funders and how their policy, operations and overall capacity to influence contribute to the realization of the human rights to water and sanitation. The role of funders is significant, as their decisions can have an impact on the realization of those rights in different ways, depending on the extent to which decisions are based on human rights standards and principles.

15. When States are funders in development cooperation, they have legal obligations to ensure that their conduct is consistent with human rights standards and principles, pursuant to the international human rights treaties that they have ratified. In particular, the International Covenant on Economic, Social and Cultural

[2] Guy Hutton and Mili Varughese, "The costs of meeting the 2030 Sustainable Development Goal targets on drinking water, sanitation and hygiene", paper prepared for the World Bank, January 2016, p. x.

[3] The remainder was non-concessional and "other" loans. See UN-Water and World Health Organization, "Financing universal water, sanitation and hygiene under the Sustainable Development Goals: UN-Water Global Analysis and Assessment of Sanitation and Drinking Water 2017 report", 2017.

[4] Includes only grants and concessional loans; does not count the significant proportion of funding for water and sanitation through non-concessional loans.

[5] Organization for Economic Cooperation and Development, Creditor Reporting System. Available from https://stats.oecd.org/Index.aspx?DataSetCode=CRS1.

Rights (arts. 2 and 11) requires that States parties recognize the essential role of international cooperation and assistance and take joint and separate action to achieve the full realization of the rights to water and sanitation. Those articles and the Charter of the United Nations (Article 56) set out the expectation that States must take action to help fulfil economic, social and cultural rights beyond their territories.[6]

16. State funders have obligations to respect human rights in other countries, to refrain from actions that interfere with the enjoyment of the rights to water and sanitation (Committee on Economic, Social and Cultural Rights, general comment No. 15 (2002) on the right to water, para. 31) and to facilitate the realization of those rights through the provision of water supply and sanitation services, financial and technical assistance and necessary aid (A/71/302, para. 11). Accordingly, as part of the Governments of those States, development cooperation agencies (for example, the Japan International Cooperation Agency and the French Development Agency) have the obligation to comply with the human rights to water and sanitation.

17. When part of a collective group, for instance, as members of international or regional organizations, States have the obligation to realize the human rights to water and sanitation through policy, decision-making processes and the activities of those organizations. The Committee on Economic, Social and Cultural Rights has stated that international organizations and international financial institutions (for example, the World Bank and IADB) have certain obligations under international human rights law based on customary law and general principles of international law (see E/C.12/2016/1) and that they should take into account the right to water in their lending policies, credit agreements and other international measures (general comment No. 15 (2002), para. 36). International organizations are also bound by the human rights-related provisions in their constitutions (A/71/302, para. 13).

18. One example of relevance to the present report is the European Union, which has human rights obligations as a part of treaty obligations. Article 21 (2) of the Treaty on the European Union establishes a mandate for the organization to support human rights in all fields of international relations. The European Union is also directly bound by the Convention on the Rights of Persons with Disabilities, which it ratified in 2010, particularly article 28, relating to the human right to water, and article 32, relating to international development. Therefore, the obligation to implement human rights in the European Union's development cooperation applies to European Union institutions responsible for formulating development policies.

19. Another example is UNICEF, which as part of the United Nations system is bound by the Charter. The Convention on the Rights of the Child (art. 45) explicitly refers to UNICEF as a source of expert assistance and advice, and therefore human rights obligations of UNICEF can be traced back to its special relationship with the Convention.

## III. Policy frameworks of funders

20. Within the framework of international human rights treaties, all levels of government, including development cooperation agencies, have obligations to adopt specific policies aimed at the realization of the human rights to water and sanitation in legislative form or in other measures (Committee on Economic, Social and Cultural Rights, general comment No. 3 (1990) on the nature of States parties'

[6] As interpreted in the Maastricht Principles on Extraterritorial Obligations of States in the Area of Economic, Social and Cultural Rights (commentary to principle 28).

obligations, paras. 6-7). Outside of the human rights treaty framework, myriad funders have expressed their commitment to realizing human rights through various international instruments. For instance, in the 2008 Accra Agenda for Action, most funders committed themselves to establishing and implementing development cooperation policies and programmes that respect human rights.

21. The Special Rapporteur observed that the human rights framework might be incorporated in overarching policies that broadly encompass all development cooperation operations or in policies or strategies specifically designed for the water and sanitation sector. Furthermore, policies and strategies were also identified that focused on specific groups, such as women, indigenous populations and persons with disabilities, which occasionally included particular considerations for those people's needs related to water and sanitation. However, in order to balance the multiple topics of relevance to the present report, funders' general development cooperation policies and specific policies on water and sanitation are addressed herein.[7]

22. Funders' policies can be considered to represent the first step according to which activities will be structured. Indeed, a thorough policy framework with ingrained commitments to apply the complete framework of the human rights to water and sanitation strongly contributes to ensuring that funders' activities are conceived and ultimately implemented in ways that realize those rights.

23. In addition to policies, partnerships and strategies between funders and partner States can often determine broader objectives for development cooperation in water and sanitation and may significantly influence the nature of funders' operations.[8]

## A. France

24. In 2014, France adopted legislation on international development that reaffirms its commitment to promote human rights and related principles.[9] That legislation designates water and sanitation as a stand-alone sector in the country's development cooperation agenda. The three priority areas designated in the legislation focus on assistance in creating national sector frameworks, including standards for water quality; sustainable water resource management; and sustainable, high-performance water and sanitation services. Those priorities partially overlap with certain elements of the normative content of the human rights to water and sanitation, but the legislation does not incorporate the full framework of those rights.

25. Certain key elements of the normative content of the human rights to water and sanitation are found in the water and sanitation sectoral intervention framework, 2014-2018, a guiding reference for the activities of the French Development Agency. In that document, the human rights to water and sanitation are recognized; however, the framework of those human rights is incorporated selectively throughout a variety of the strategic areas instead of occupying a clearly prominent role. For instance, one priority strategy aims to provide sustainable access to water and sanitation services for all, with a scope of action extending from urban areas to rural areas for the sanitation subsector. The objectives of that strategy demonstrate attention to human rights aspects: permanent, continuous access to water and sanitation services; affordable services through mechanisms that consider the most

[7] For an analysis of funders' policies on specific groups, see www.ohchr.org/srwaterandsanitation/developmentcooperation.

[8] For an analysis of partnerships and strategies of the six funders, see www.ohchr.org/srwaterandsanitation/developmentcooperation.

[9] France, Act No. 2014-773 of 7 July 2014.

vulnerable populations, such as social tariffs; and water quality corresponding to World Health Organization parameters. The strategy also contains provisions suggesting that acceptability of systems will be attributed importance. However, in citing only a "greater involvement" of users in that respect, the Agency does not effectively provide a guarantee that users will be able to participate and make their views considered systematically and with priority.

26. In the intervention framework, the French Development Agency emphasizes persistent institutional shortcomings and addresses the importance of regulation to ensure, for example, balance between financial sustainability and maintaining access for all users. Indeed, States should adopt water and sanitation policies and strategies incorporating the human rights to water and sanitation and take deliberate, concrete and targeted steps to establish a regulatory framework informed by those rights (see A/HRC/36/45).

27. Furthermore, the intervention framework establishes targets for an intended number of beneficiaries through projects and defines a proportion of projects or funding to support relevant elements of the human rights to water and sanitation (for example, to ensure that 50 per cent of all projects funded have a positive impact on gender).

## B. Japan

28. The general development cooperation policy of Japan is found in its development cooperation charter, revised in 2015. The charter reaffirms the country's obligations to promote human rights through its international development activities. According to the charter, activities in the water supply and sanitation sector fall under the country's policy umbrella of promoting development for human security. In the charter, "quality growth" and poverty eradication through such growth is designated as a priority policy issue, encompassing water supply and sanitation. Indeed, Japan adopts a cross-sectoral approach, that is, the approach to strengthening health systems also includes the strengthening of water services and other infrastructure (CRC/C/JPN/3, para. 68).

29. Another overarching policy for development cooperation is established in the Japan International Cooperation Agency guidelines for environmental and social considerations. The guidelines specify that the principles of local stakeholder participation, accountability, transparency and access to information are indispensable for decision-making processes, in addition to respect for human rights.

30. Specifically, the Japan International Cooperation Agency has elaborated an assistance strategy on water supply and sanitation (2016). The strategy addresses some elements of the human rights to water and sanitation diffusely among six key issues. Several of those issues demonstrate the Agency's intention to compensate for multiple imbalances in the water and sanitation sector worldwide. For example, a focus on sustainable rural water supply is adopted in order to tackle long-standing deficits with regard to access in certain geographical areas and on improved sanitation, particularly in sub-Saharan Africa and South Asia. Provisions related to the standards of accessibility and quality of services and the principle of sustainability are integrated in the strategy. However, the strategy does not stipulate detailed provisions related to other crucial elements of the human rights to water and sanitation. Regarding affordability, provisions are limited to improving tariff policy and collection. Guarantees for the availability and accessibility of services for all are not mentioned either.

31. The Japan International Cooperation Agency has informed the Special Rapporteur that the strategy is currently under revision and will address the standards of the human rights to water and sanitation with greater clarity. The Special Rapporteur strongly encourages the Agency to effectively infuse the document with the human rights framework.

32. Finally, through the Yokohama Action Plan, a regional strategy for the period 2013-2017 focusing on the African region, Japan committed to specific targets for its development cooperation in the water and sanitation sector, for example, to improve access to safe water and sanitary conditions for 10 million people per year.

## C. European Union

33. The European Union has in place a regulation establishing a financing instrument for democracy and human rights worldwide.[10] The most recent specific policy document on the water and sanitation sector was endorsed in 2002 by the Council of the European Union.[11] It emphasizes the importance of relevant principles and standards related to participation, gender equality, transparency and access to information, financial and environmental sustainability in service provision, affordability, and improving service levels for the poorest populations and rural, urban and peri-urban areas.

34. Since 2002, the European Union's agenda for water and sanitation in development cooperation has been subsumed into broader strategies. In 2017, the Council of the European Union adopted the New European Consensus on Development, a policy addressing all of its development activities. That policy commits the European Union and its member States to a rights-based approach in development cooperation "encompassing all human rights", and further envisages integrating the principles of inclusion and participation, non-discrimination, equality and equity, transparency and accountability. "Universal access to safe drinking water, sanitation and hygiene" is recognized in paragraph 26 of the policy as "a prerequisite for health and well-being, growth and productivity". However, the policy reveals that the European Union treats this sector of services not with a stand-alone approach, but rather in association with other priority areas, such as climate change and nutrition.

35. The European Union's indirect focus on water and sanitation services in its most recent policy is an expression of the European Commission's inclination to diminish the role of water, sanitation and hygiene as a stand-alone sector of the organization's development cooperation agenda. Relevant officials confirmed this reprioritization to the Special Rapporteur. The low profile of the sector in the European Union cooperation policy raises concerns as to the organization's capacity to align its operations with the human rights to water and sanitation, particularly since the other sectors that encompass water and sanitation do not incorporate that specific human rights framework. In 2015, the European Parliament recommended that the Commission give high priority to the water, sanitation and hygiene sector in partner States, recognizing the human rights dimensions of access to those services in development cooperation activities.[12] The Special Rapporteur observed that the Commission has still not given meaningful consideration to those recommendations.

[10] European Union, Regulation (EU) No. 235/2014 of the European Parliament and of the Council of 11 March 2014.

[11] Council of the European Union, "Draft resolution on water management in developing countries: policy and priorities for EU development cooperation", 17 May 2002.

[12] European Parliament resolution of 8 September 2015 on the follow-up to the European citizens' initiative, Right2Water.

Commentators consider that the lack of "normative coherence" in the European Union's policy on water and sanitation has diminished its ability to conduct transformative development, an ambition associated, inter alia, with the aims of Sustainable Development Goal 6.[13]

## D. World Bank

36. The World Bank Environmental and Social Framework (2016), complemented by 11 key operational policies and associated safeguard procedures, is the most relevant executive policy umbrella for the Bank's development cooperation activities in the water and sanitation sector.[14] The Framework's vision statement alludes to the Bank's intention to help member States progressively realize their human rights commitments. Yet it maintains the Bank's long-standing tradition of excluding any explicit commitment to comply with the human rights framework from its policy framework.

37. Neither that Framework nor those operational policies make any specific mention of sanitation services, while references to ensuring water supply are generally subsumed in other project themes, such as the resettlement of populations. In a general requirement regarding the provision of services to communities, one of the Framework's safeguards pledges that partner States will be held to apply the concept of universal access, which is understood by the World Bank to mean unimpeded access for people of all ages and abilities in different situations and under various circumstances. That policy provision remains ambiguous in the Bank's safeguard policies as it does not specifically address the provision of water and sanitation services in their different levels. Thus, those policies do not adequately safeguard essential elements of the human rights to water and sanitation, including service availability, safety/quality, affordability and acceptability, not to mention a more thorough, sector-specific description of accessibility.

38. The *Water Resources Sector Strategy*, published in 2004,[15] contains some relevant provisions and guidelines related to the human rights to water and sanitation. For instance, it establishes that communities should be vested "with ownership rights and authority to select service providers", contributing to the enjoyment of the right to participation. Projects and programmes should strengthen "regulatory oversight capacities, institutions and processes to provide greater transparency and predictability". Moreover, financially disadvantaged people are to be ensured "access to safe, affordable water supply and sanitation services by reducing costs and increasing accountability". However, the World Bank's pro-poor focus is not equivalent to a human rights-based approach, since it does not embody the full spectrum of the human rights framework.

39. However, the scant existence of specific, universal policy guarantees for water and sanitation projects reflecting human rights standards effectively grants officials from the World Bank and from partner States the liberty of determining a project's goals and methods on a case-by-case basis. Moreover, one senior official of the Bank understands that "any project that improves access to improved [water supply and sanitation] is a step towards universal access" and that this is enough not to be negligent of the human rights framework. In the light of this discretionary approach,

[13] Harlan Koff and Carmen Maganda, "The EU and the human right to water and sanitation: normative coherence as the key to transformative development", *European Journal of Development Research*, vol. 28, No. 1 (January 2016), pp. 91-110.

[14] Applies to two World Bank Group institutions: the International Development Association and the International Bank for Reconstruction and Development.

[15] Ibid.

while some projects funded by the Bank could possibly be aligned with the human rights framework, others risk neglecting human rights.

## E. Inter-American Development Bank

40. In 2014, IADB published its Water and Sanitation Sector Framework Document, which recognizes and draws on the human rights framework in formulating priorities and strategies for development cooperation in that sector. The Framework aims to create effective mechanisms to provide services to marginalized populations in peri-urban and rural zones, which is in accordance with the framework of the human rights to water and sanitation. The policy clarifies that these services may require alternative, low-cost solutions and an adjusted definition of access that nevertheless provides efficient services of good quality.

41. Furthermore, the Framework outlines four major goals and lines of action to be pursued by IADB over a three-year period (2014-2017). Notably, one of those major goals consists in reinforced governance in the sector and an emphasis on State action in the sector under the framework for the human rights to water and sanitation. Specific lines of action include encouraging IADB member States to develop and implement policies to achieve universal coverage and incorporate the concept of the human rights to water and sanitation in their legislation, regulatory processes and political strategies; creating and/or strengthening regulatory agencies, with particular attention to small cities and rural areas; and supporting reliable information systems.

## F. United Nations Children's Fund

42. UNICEF has in place several policies and relevant strategic plans for water and sanitation that are based on the human rights framework. UNICEF has adapted those policies and strategies to meet the Sustainable Development Goals. That has important implications for its approach to development cooperation in the water and sanitation sector, as it determines the service levels that UNICEF will uphold and aim to implement.

43. The UNICEF Strategy for Water, Sanitation and Hygiene (2016-2030) integrates the full normative content of the human rights to water and sanitation in its vision for the sector and targeted outputs. The strategy outlines multiple "programming principles" — aspirational, outcome-based objectives to be considered throughout project design and implementation — that incorporate several human rights principles. Some of those programming principles include reducing inequality, delivering quality services at scale and strengthening accountability at all levels.

44. The current UNICEF Strategic Plan (2014-2017) outlines a water, sanitation and hygiene indicator framework including targets for access in households and schools. It designates several outcomes and outputs that express an ample integration of issues of particular relevance to human rights. Some of those targets include enhanced support for children and families leading to sustained use of safe drinking water, adequate sanitation and good hygiene practices; increased national capacity to provide access to those services; strengthened political commitment, accountability and national capacity to legislate, plan and budget for the scaling up of interventions; and increased capacity of Governments of partner States to identify and respond to key issues for the human rights to water and sanitation. Most of the outcomes and outputs in the strategy rely on country-wide measurements, that is,

"countries with an established target to provide access to drinking water to underserved populations".

## IV. Operational tools of funders

45. Funders employ a variety of practical instruments directed to project managers and operational teams to administer development cooperation activities in ways that comply with their policies and goals. Such tools are key to translating policy provisions into actual methods to realize the human rights to water and sanitation. Examples of such instruments include toolboxes, manuals and technical guidelines, which provide the particular benefit of being more adaptable and renewable than policy frameworks. Thus, such instruments fulfil the purpose in the human rights development cycle of instructing funders' operational teams on how to maximize positive contributions to the realization of the human rights to water and sanitation. Yet, given the frequent absence of an obligation for funders and implementers to apply those instruments, their effectiveness can be limited.

46. Among the six funders analysed, instruments and methods were identified in various forms, most often comprising a combination of tools and guidelines undertaken or applied at different levels, such as at headquarters, in country offices and with local project implementers.

47. One example is the IADB manual on the human rights to water and sanitation. The manual aims to generate good practices by providing guidance on how those rights can be incorporated in the activities of actors in the water and sanitation sector. It attempts to offer both general and more targeted, practical guidance to establish an enabling environment for the realization of the human rights to water and sanitation. As part of the manual's implementation, IADB has undertaken plans to perform four pilot studies in different locations in the region to facilitate information exchange and to hone in on particular challenges for specific actors.

48. Through the first European Union action plan on human rights and democracy (2012-2014), the European Union coordinated the creation of a toolbox to contribute towards a rights-based approach to development cooperation. Published in 2014, the toolbox, entitled "A rights-based approach, encompassing all human rights for European Union development cooperation", aims to outline how the organization will integrate human rights principles into the conceptualization and implementation of its development activities. The toolbox provides details on action to be taken at headquarters and in the field for synchronization between those units. However, probably due to the toolbox's generic approach, human rights analyses have been judged to be less evident in water and sanitation programmes.[16] Officials reported to the Special Rapporteur that field office teams still lack comprehensive awareness on how to align field operations with the human rights to water and sanitation, as political and civil rights are generally given more prominence. Such insufficiencies were previously identified in an evaluation of European Union development cooperation activities. However, it was reported that ongoing training on the rights-based approach at headquarters and country offices has aimed to address, inter alia, the rights to water and sanitation.

[16] Federica Petrucci and others, "Thematic evaluation of the European Commission support to respect of human rights and fundamental freedoms (including solidarity with victims of repression)", evaluation for the European Commission, vol. 1, December 2011. Available from https://ec.europa.eu/europeaid/sites/devco/files/evaluation-cooperation-ec-human-rights-1298-main-report-201112_en_0.pdf.

49. Other examples include technical reports, briefing papers and other documents produced by funders to assess past experiences, take stock of current activity or provide recommendations for future practice. When such reports are formulated with a clear view to progressively realizing the human rights to water and sanitation, their often non-binding character can possibly be offset. For instance, in 2013, the European Commission commissioned the preparation of a briefing paper[17] to examine the organization's development cooperation from the perspective of those rights. The paper evidences that, despite the organization possessing a methodology to apply a human rights-based approach in its cooperation activities, policies and practices lack bolder and clearer orientations to realize the human rights to water and sanitation. Accordingly, it recommended assessments of the organization's water and sanitation projects from the perspective of human rights with the aim of catalysing discussion and developing appropriate policies, guidelines and practices. It is a desirable minimum standard for funders to develop studies with a specific human rights focus and to advocate for their officials to give meaningful consideration to their findings. Furthermore, issues and recommendations brought to light by those studies may be used by diverse stakeholders, empowering them to urge funders to commit themselves to the progressive realization of the human rights through their development agendas.

50. All six funders possess instruments that aim to underscore their cross-sectional development efforts to advance the interlinkage between water and sanitation and gender equality. Those efforts include taking steps to achieve greater equality by considering gender-differentiated needs and responsibility in households and communities;[18] providing questions to be asked by operational teams throughout the stages of strategic planning, project implementation, assessment and monitoring;[19] identifying and providing guidance on how to address gender-based challenges;[20] using indicators throughout the project design and implementation stages to assess the integration of gender-related concerns;[21] guaranteeing that projects will benefit a minimum proportion of female-headed households;[22] and establishing monitoring, financial tracking and accountability systems to assess how equally women and men benefit from projects.[23]

## V. Project selection, design and implementation

51. Development cooperation for the water and sanitation sector entails human rights impacts from the point when funders decide how to dedicate resources to projects. The way in which a given funder balances the types of projects that it supports is a proxy of how human rights concerns are considered in that funder's development agenda. Geographical balance — between world regions, States and areas within a State; between countries with different levels of development; or between urban, peri-urban and rural dwellers — can influence the impact of the

[17] Malcolm Langford, *The right to water and sanitation in development cooperation: the state of play and the European Union* (Brussels, European Parliament Directorate-General for External Policies, 2012).

[18] Japan International Cooperation Agency thematic guidelines on gender and development, 2009.

[19] United Nations Children's Fund, "Gender-responsive water, sanitation and hygiene: key elements for effective WASH programming", March 2017.

[20] World Bank, "Toolkit for mainstreaming gender in water operations", 2016.

[21] French Agency for Development, "Boîte à outils genre: eau et assainissement" (Gender toolbox: water and sanitation), 2015.

[22] Inter-American Development Bank, "Progress report on the implementation of the gender policy and gender action plan for operations (2011-2013)", March 2014.

[23] European Commission, "Guidance note on the EU Gender Action Plan 2016-2020", 8 March 2016.

agenda on the human rights. The same can be considered in relation to projects focusing on water, sanitation, hygiene, capacity-building or institutional support. Also, the share of projects through loans or grants and how they are allocated can have an impact on the progressive realization of the human rights to water and sanitation, affecting funders' capacity to influence project goals and partner States' potential financial burden.

52. Applying a human rights-based approach in the initial design stage of a project in the form of human rights pre-assessment is essential to ensuring that it will embed the human rights framework from its objectives and methods through to its implementation. The specific measures to effectively implement that approach depend on the nature of the project. Possible measures include establishing human rights standards as a requirement in project conceptualization and other due diligence measures that enable funders to identify and avoid the negative impact of their activities on human rights.

53. The way projects are implemented may also have an impact on human rights, depending on, inter alia, how beneficiaries are involved, the role of people in vulnerable situations and sustainability considerations.

## A. Levels of service

54. In project design, several criteria have a critical impact on how the rights of beneficiaries may be realized, such as the level of the services to be implemented (for example, piped network, shared facilities or individual on-site solutions) and how these services are planned to gradually improve over time.

55. On the basis of the apparent trends revealing a preference for large systems to the detriment of basic systems (see A/71/302), it is doubtful that current development cooperation practice is adequately targeting the world's greatest needs for water and sanitation or is contributing to reduce existing disparities in the water and sanitation sector. Recognizing that large systems often require more expensive solutions than basic systems and may also benefit people living in vulnerable situations, the figures suggest a stronger concentration of funding for citywide projects. In 2015, approximately 20 per cent of all water sector funds were disbursed to basic systems, compared with 40 per cent for large systems, which was by far the largest proportion of water sector funding. Data from the 2017 UN-Water Global Analysis and Assessment of Sanitation and Drinking-Water report show a continued prevalence of funder investments in large drinking water systems in urban areas of middle-income countries.

56. Large infrastructure projects are not necessarily contrary to the rights to water and sanitation, but the crucial question is whether such projects improve access for those who already enjoy some degree of access, or whether they take the challenging step of extending access to those who continue to be excluded from even basic access, especially in peri-urban areas and informal settlements (see A/HRC/18/33/Add.3).

57. Furthermore, often forgotten in development projects are the safe management of on-site sanitation and faecal sludge, hygiene promotion and menstrual hygiene management. In the projects assessed, it was observed that hygiene management is often absent, particularly menstrual hygiene management, under the pretext that it is "culturally" difficult to address.

58. One project, aimed at benefiting populations in small towns, supported rehabilitating and expanding piped drinking water systems but built only a handful of public sanitary facilities while training local artisans to produce slabs required

for latrines and stimulating a micro savings scheme for residents to purchase those building materials. In that project, support to sanitation was framed through the community-led total sanitation methodology aiming to mobilize communities to completely eliminate open defecation without any external financial input. Thus, it is based on spurring demand creation and behavioural change from users. However, without adequate, continuous guidance and financial assistance, some users may sacrifice essential resources in adopting service levels that are actually unsafe and do not represent a real gain from a human rights perspective.

59. In some projects assessed, especially those targeting rural areas, the level of the technological solution is not intrinsically problematic. However, the lack of a plan to manage or, when necessary, upgrade those solutions in the future risks jeopardizing their long-term ability to comply with human rights requirements. It is essential for funders and partner States to have a vision of how those projects will be managed in the long term in order to provide sustainable services that deter retrogressions in the realization of human rights. This must be done with consideration of specific contexts and should involve adequate planning measures. When more than one intervention is required to provide an acceptable level of service to a community, it is essential for the intermediate levels of service to be as safe as possible and to facilitate scaling up with the least amount of financial losses and in the most sustainable fashion possible. Indeed, decisions related to project planning must take great care to avoid investments that fully replace previous services in the same location instead of upgrading those solutions. Otherwise, such investments risk representing an irresponsible use of public funds and a possible compromise of other human rights (A/70/203, para. 88).

60. The scope of a project is a key determinant of its capacity to effectively realize human rights. Many infrastructure-oriented projects in the water and sanitation sector often face a dilemma of benefiting fewer people with a higher level of services or extending a lower level of services to a larger group of users. The latter option was prevalent among the projects assessed in rural areas. However, political interests within the partner State, funders' own biases (for example, to report high coverage figures) and funders' commercial interests ("to push money out the door") can influence the selection of some projects over others. These influencing factors can lead to the selection of projects with a broader scope to the detriment of projects focusing on a smaller number of beneficiaries living in vulnerable conditions. The key question under the human rights framework is: who will benefit and who will be left behind? Applying that framework would encourage the project managers to start with those in the most vulnerable situations. The challenge with this decision is to ensure affordable access to services, sustainability of the system and medium- and long-term planning for the future inclusion of all persons in service provision. If funders and partner States opt for a project with broader coverage and a lower level of services, the same concerns should be raised while also establishing a vision for future upgrades and improvements to the level of access.

## B. Sustainability

61. Infrastructure projects that rapidly prove to be unsustainable are widespread in water and sanitation. This was evidenced, for example, by the European Court of Auditors review of European Union development assistance for the sector in sub-Saharan countries. According to a review of 23 projects in six countries, despite infrastructure being properly installed, fewer than half of the projects delivered results meeting the beneficiaries' needs and the majority of projects were considered to be unsustainable in the medium and long term unless non-tariff revenue could be

ensured or operational institutions (that is, service providers) could be strengthened.[24]

62. Achieving behavioural change in beneficiaries and institutions and creating awareness on safe drinking water, sanitation and hygiene services are fundamental to ensuring transformative development and sustainable water and sanitation projects. Yet efforts to achieve those objectives are seriously limited by time-based constraints that are common in development cooperation projects. The usual time frame for the full cycle of project implementation is from three to five years at most. A combination of several factors make such time frames too short to guarantee effective capacity-strengthening and lasting behavioural change. Ensuring the continuity of measures initially funded through development cooperation, especially those related to project management, may be a determinant in guaranteeing projects' medium- to long-term sustainability. Several projects assessed revealed that funding was allocated to deploy local activists or community workers tasked with raising awareness on hygiene and encouraging local participation in user associations. However, those projects did not contain conditions or mechanisms that would ensure continuous support for those functions after the project terminated.

63. Before projects are completed, at times, some are extended with subsequent phases. The related negotiations for those subsequent phases can draw attention away from the current project's implementation and shift it to the propositions related to the subsequent phases. Funders often require new and/or additional targets for a second phase, which can broaden the scope of the project instead of concentrating efforts on existing objectives. A longer-term commitment from funders — far beyond the limited time frame of projects — would provide lasting improvements to local authorities' and different stakeholders' capacity to provide water and sanitation services in a way that is consistent with the human rights framework.

## C. Coverage of services

64. Decisions related to the coverage of projects can have an impact on the beneficiaries, particularly the population in the most vulnerable situations. Applying a human rights approach to development cooperation in the water and sanitation sector would involve a greater emphasis on providing services for those populations who predominantly live in small, dispersed rural communities or in peri-urban areas. In the latter case, the informal nature of settlements may impede such dwellers from being connected to citywide systems. The principle of equality and non-discrimination sometimes requires the adoption of targeted measures and affirmative action in order to achieve substantive equality (Human Rights Committee, general comment No. 18 (1989) on non-discrimination, para. 10). Thus, funders and partner States should work together and identify individuals and groups to target, particularly those who are in vulnerable situations, and not be limited to identifying those who are financially disadvantaged, often called "the poor".[25]

65. One project aiming to provide piped water to a small town excluded some of the poorest inhabitants who were living in more distant locations from that town. A common rationale that is cited to justify such exclusion is the standard of maximum

[24] European Court of Auditors, *Special report No. 13/2012: European Union development assistance for drinking water supply and basic sanitation in sub-Saharan countries* (Luxembourg, Publications Office of the European Union, 2012).

[25] Through, for instance, the World Bank Water Supply, Sanitation and Hygiene Poverty Diagnostic initiative.

per capita cost of investment in water and sanitation. Such standards can result in the exclusion of more dispersed populations or populations who live in areas where solutions entail greater costs. That project failed to adhere to the principle of equality and non-discrimination by intentionally excluding certain inhabitants from its scope. Conversely, the project specifically took into consideration persons with disabilities in the project's intervention area and ensured their inclusion through a baseline study aimed at identifying such individuals. Moreover, local entrepreneurs were trained to design appropriate toilets according to the needs of persons with disabilities.

## D. Reconciliation between financial sustainability and affordability

66. Improvements to partner States' water and sanitation services funded through development cooperation, even when provided without an obligation for full repayment, often entail an increased need for revenues from tariffs or taxes to keep those services operational and sustainable in the long term. Some funders request or even impose an obligation on partner States to fully or partially recover the costs to operate and maintain such systems through tariffs. Consequently, depending on how tariffs for water and sanitation services are set upon completion, these projects can have an impact on affordable access to services. When funders impose conditionalities requiring full cost recovery through tariffs and the result is higher service fees for users, the affected users must be able to petition the amount of the tariff and seek recourse. If they are not able to do so, the public authorities are therefore not protecting users from the adverse impact of unaffordable services, and the funder shares responsibility for facilitating the creation of such circumstances.

67. In the projects assessed herein, most funders did not demonstrably ensure that a sustainable financing strategy would be established for long-term service provision. In only one project were community committees created that were tasked with setting tariffs for piped water services that were being extended to their neighbourhoods. Another project entailed immediate affordability concerns as it required households to pay for connection costs to a piped water network; the national regulation established a maximum discount of 60 per cent of that cost for users in situations of poverty. Overall, in the projects reviewed, little evidence exists indicating that funders support governments and service providers in developing specific schemes to ensure reconciliation between economic sustainability and access to services for users with insufficient economic means.

## E. Acceptability

68. Acceptability of services can be achieved by taking users' distinct characteristics, habits, preferences, needs and beliefs into account during project design and implementation. Attention to acceptability was observed in a project that used participatory methods to inform the design of several schools' sanitation facilities. Occurring in a majority Muslim community, the project took into consideration the community members' particular preferences for the design of toilet facilities, in addition to the needs of persons with disabilities, who were also included in the participatory processes. Activities to promote awareness throughout the implementation of projects can also encourage behavioural change and lead to greater acceptability of services.

## F. Participation

69. In the context of development cooperation, the right to participation is relevant at two stages. First, the participation of a diversity of stakeholders is relevant during the processes of planning, implementation, monitoring, and evaluation and assessment (A/71/302, para. 17). Such participatory processes should involve input from national stakeholders and people whose rights are affected that can meaningfully affect the decision-making process in all aspects of development cooperation activities. Second, establishing participatory processes between the funder and the beneficiaries at the level of project implementation is key. If the knowledge and expectations of beneficiaries are not incorporated into those processes, cooperation will never improve their access to water, sanitation and hygiene in a manner consistent with their cultural values and human rights principles (ibid.).

70. The participation of women on an equal footing with men and the inclusion of disadvantaged groups is an important aspect. One project aiming to provide rural dwellers with water, sanitation and hygiene services prioritized the participation of women in committees, establishing a minimum of 50 per cent women members in those forums. It is important to highlight that active and meaningful participation cannot be reduced to such quantitative requirements, but also has to do with women's power to influence decisions, to voice their needs, to make individual choices and to control their own lives. Counting the number of heads at meetings may be accompanied by an assessment of the actual influence of women's participation in decision-making processes (see A/HRC/33/49).

71. Moreover, two projects assessed employed community workers and local committees of residents tasked, inter alia, with ensuring that beneficiaries could accompany the project implementation process and relay their opinions or concerns.

72. One project, in which the funder provided budget support to the partner State, consists of maintaining dialogue among government authorities with the aim of supporting sector reform. However, the process seemed to apply a non-participatory approach as relevant stakeholders, including local governments and civil society organizations, were apparently excluded from the discussion of key decisions. That may be a source of future conflict and could jeopardize the legitimacy of the agreements that will be made. The human rights to water and sanitation require funders to take measures to ensure meaningful participation by all stakeholders and to support partner States in developing methods to promote participation (for example, multi-stakeholder dialogues involving the authorities concerned, civil society organizations, private sector entities and marginalized groups). Such dialogues can contribute to building political will, to planning a more appropriate restructuring in the sector recognizing the diverse needs of various groups and their rights, and to creating opportunities to hold public authorities accountable.

## G. Access to information and transparency

73. From the perspective of rights holders, when beneficiaries of development cooperation projects have transparent access to information, they are more able to meaningfully participate in decision-making and are empowered to claim their rights and hold duty-bearers accountable (A/71/302, para. 18).

74. From a broader perspective, ensuring the public's access to information on development cooperation projects enhances transparency and enables more effective monitoring of a funder's contribution to reducing inequalities and achieving the aims of its development agenda. Adequate access to information relies on the

availability and accuracy of information. For instance, the majority of development projects registered in the relevant database of the Organization for Economic Cooperation and Development do not clearly indicate whether rural or urban areas have been targeted (ibid., para. 20). In the research for the present report, it was apparent that many funders' self-reported data differed greatly from data in the Creditor Reporting System of that organization.

# VI. Project assessment and monitoring

75. Funders have project assessments and long-term portfolio monitoring in place at some or all steps of their development cooperation operations. However, those processes are still seldom aligned with the human rights framework. From the standpoint of the human rights development cycle, thorough assessments and monitoring based on the rights to water and sanitation can provide essential feedback on previous stages in the cycle. Notably, funders should collect and generate data to identify potential concerns for the relevant human rights principles and standards that are not being adequately safeguarded through the funder's policy, operational tools and projects. Those data should assist funders in making adjustments to the previous stages of the human rights development cycle.

## A. Project assessment

76. Assessing a project's contribution to the realization of the human rights to water and sanitation requires a set of methods balancing quantitative and qualitative assessments and covering the full range of the normative content of the human rights to water and sanitation and human rights principles. Among several ways of assessing a particular project, process assessments and output and outcome indicators can be applied to assess a funder's capacity to contribute to the progressive realization of human rights through their activities.

77. Process assessment should encompass the variety of measures performed throughout project implementation with a basis in upholding human rights standards. Examples include ensuring the active and meaningful participation of all stakeholders and providing access to transparent information. Process assessment is especially crucial to situating development cooperation projects in a broader context. In this sense, UNICEF urges partner States to include a "narrative" aspect, which cannot be reflected in reporting mechanisms based on quantitative standards, as it helps to nuance apparently positive or negative results. However, the use of narratives is generally less common among funders and could help to give more substance to quantitative indicators. For instance, Japan has set a target to build capacity for 1,750 professionals working in water supply in Africa. Yet the specific content of such interventions is not defined, nor does it interact with a subsequent outcome indicator. Specifically, it is not possible to assess the nature of the training imparted to the professionals and related improvements to service provision as a result of the training.

78. Subsequent to a project's completion, it is essential to systematically produce ex post human rights assessments of projects. Such assessments are critical to identifying the sustainability of services and understanding a project's medium- and long-term impacts on human rights and the causes of those impacts. Critically, assessments should be made available to the public in order for the relevant authorities to be held accountable.

79. Outcomes in ex post human rights assessments should inform several characteristics of beneficiaries gaining access to services, allowing impacts to be

assessed for populations living in conditions of poverty or vulnerability and identifying reductions in inequality. In particular, those data must go beyond limited assessments of access and availability of services (for example, the number of houses connected to a piped network) and should include ways of identifying discrimination and inequalities, collection time and other barriers to physical access, water quality, safety, acceptability and affordability.

80. Post-project assessments can be conducted either by funders themselves, through internal or external sources or by partner States. The Japan International Cooperation Agency employs evaluations conducted by the Governments of partner States, consultants, think tanks, academic institutions or non-governmental organizations with professional competence in the field.[26] Such assessments are meant to ensure greater transparency and fairness in Japanese development cooperation. Formulating development policies based on evidence confirmed by partner State-led evaluation processes rather than evaluations performed solely by funders may enrich and legitimize those funders' policies.[27] To that end, it is important to offer support where necessary to enhance the evaluation capacities of the partner State in an impartial and independent manner.

## B. Long-term monitoring

81. Monitoring the realization of human rights through the implementation of water and sanitation projects requires improving funders' existing monitoring procedures by adjusting their scope, methods for data collection and indicators. Some funders have included several indicators in their monitoring systems that encompass components of the human rights to water and sanitation (for example, disaggregated information on beneficiaries' gender or socioeconomic conditions). However, none of the funders assessed systematically model their monitoring frameworks on the standards related to the human rights to water and sanitation.

82. Some funders (IADB, UNICEF and the World Bank) use output frameworks as a primary tool to evaluate their performance and the achievement of particular projects' goals. Others (France, IADB, Japan and UNICEF) incorporate wide-scale quantitative targets into their worldwide and/or country strategies (for example, the number of people to be reached with new or improved access to drinking water and sanitation).

83. The benefits of systematically monitoring processes, outputs and outcomes through the human rights framework are twofold. First, doing so allows funders and partner States to use the lessons learned from monitoring data to feed back into future projects and make adjustments to their operations in order to fill the gaps identified in relation to the progressive realization of the human rights to water and sanitation. Second, experiences in managing projects through a human rights lens can subsequently be documented, detailing relevant concerns that arose throughout project implementation and registering methods of dealing with them with the greatest possible benefit. Such findings could then be widely disseminated and help to improve the design, appraisal and execution of future development cooperation projects.

[26] Japan, Ministry of Foreign Affairs, "ODA evaluation guidelines", 8th ed., May 2013.

[27] Japan, Ministry of Foreign Affairs, "Annual report on Japan's ODA Evaluation 2016", November 2016.

# VII. Main findings and recommendations

84. Similar to the broad conclusion reached in the first report (A/71/302, paras. 41-44), the Special Rapporteur finds that the explicit commitment to human rights in the six funders' policies constitutes a heterogeneous patchwork. While some funders' policies consider the human rights framework, particularly the human rights to water and sanitation, others are only sporadically aligned with those rights and reveal varying degrees of clarity regarding their application to development cooperation. However, even in cases where the human rights framework was adequately incorporated in funders' policies, the Special Rapporteur observed significant gaps in the application of this framework during project implementation. The root causes of such gaps are varied, including non-implementation of applicable policies at the project stage, non-integration of the human rights framework in the funder's policies and tools and the absence of a human rights approach in the project selection and design stages.

85. A variety of operational tools was observed among the different funders, some with greater relevance to the human rights to water and sanitation than others. The extent to which those tools can guarantee that development cooperation projects will have positive impacts on human rights depends on at least two factors. First, tools based explicitly on the human rights framework will naturally be more apt to incorporate all relevant standards and cause minimal negative impacts. Recognizing that water and sanitation projects are parts of broader, dynamic contexts that can limit a given project's results, such tools must ensure adaptability in order to maximize the progressive realization of the human rights to water and sanitation and other related rights. Second, mainstreaming the use of such tools by operational teams involved in project implementation will avoid the risk of standards being applied selectively.

86. While most funders' project assessments are mostly focused on attainment of project objectives and sustainability of services, a specific human rights-based assessment during and upon completion of projects was not observed. Carrying out monitoring with a human rights perspective on a long-term basis would improve funders' ability to assess the elements of sustainability in their projects and to protect, respect and fulfil human rights.

87. Regarding project assessment and monitoring for the human rights to water and sanitation, it is important to highlight the need for balance in processes and outcomes, in addition to outputs. Indeed, funders and partner States must make equal efforts to identify and address the systemic and often cross-sectional determinants of particular phenomena, such as the discrimination of certain groups in access to services, while rigorously gathering data and monitoring such complex development issues.

88. The Special Rapporteur emphasizes the importance of having an open discussion on and identifying obstacles to incorporating the human rights framework in all development policies, programmes and projects and identifying good practices in overcoming such obstacles (ibid., para. 74 (a)). He reaffirms several recommendations provided in his first report, which are complemented and validated on the basis of the empirical analysis carried out in the present report, and presents the below recommendations for funders to implement throughout the human rights development cycle.

89. **Relating to funders' policy, the Special Rapporteur recommends:**

(a) **That policies that specifically incorporate the standards and principles of the human rights to water and sanitation in their entirety be established so that those rights are reflected when setting priorities and strategies for development cooperation activities;**

(b) **That a focused strategy on water and sanitation be established in accordance with the human rights framework, with emphasis on its prioritization so that it is not subsumed into broader strategies or other thematic policies;**

(c) **That the human rights to water and sanitation be emphasized in funders' policy on specific groups, such as women, persons with disabilities and indigenous peoples, complementing overarching development cooperation policies;**

(d) **That funder States adopt national legislation recognizing the human rights to water and sanitation so as to ensure additional guarantees that those rights are applied in development cooperation policies and activities.**

90. **Relating to funders' operational tools, the Special Rapporteur recommends that funders:**

(a) **Translate the human rights commitment in their policies into operational tools and training tailored to the realization of the human rights to water and sanitation in particular contexts;**

(b) **Make the use of such operational tools a requirement in all funding operations to guarantee the complete application of the human rights framework at the project implementation stage;**

(c) **Monitor whether those tools are implemented in project design and implementation.**

91. **In the project selection, design and implementation stages, the Special Rapporteur reiterates the importance of measures and safeguards with the specific aim of ensuring human rights compliance (ibid., para. 74 (b)) and recommends that funders:**

(a) **Balance water and sanitation projects and coverage of those services between urban and rural areas in a way consistent with the progressive realization of the rights to water and sanitation in each context;**

(b) **Ensure that the selection, design and implementation of projects apply the framework for the human rights to water and sanitation, notably prioritizing those people in the most vulnerable situations;**

(c) **Identify and avoid any negative impact on human rights prior to and during project implementation;**

(d) **Ensure that the design and implementation of projects are carried out in a transparent manner with the participation of related stakeholders, including beneficiaries of the project, providing ample access to relevant information and including mechanisms to address the accountability of funders;**

(e) **Ensure that projects provide a sustainable financing strategy for long-term service provision, including affordable access to services and inclusion of all persons in service provision;**

**(f) Provide, in projects supporting institutional development and policies, lasting improvements to the capacity of local authorities and different stakeholders to actually adopt water and sanitation services in a way consistent with the human rights framework.**

92. **In the assessment and monitoring stage, the Special Rapporteur recommends that funders:**

**(a) Develop and systematically produce thorough assessment and monitoring based on the human rights framework, including assessment undertaken during and after the project implementation;**

**(b) Improve existing project assessment protocols by adjusting their scope, methods for data collection and indicators, including human rights principles;**

**(c) Monitor, on a long-term basis, project outputs and outcomes through indicators and qualitative analyses based on the human rights framework;**

**(d) Prepare studies that assess all stages of the funder's activities in the human rights development cycle, envisaging the application of the related findings to improve the funder's contributions to the realization of the human rights to water and sanitation;**

**(e) Utilize assessment and monitoring as feedback for operational tools and the project selection, design and implementation stages and to advocate that their officials give meaningful consideration to the related findings.**

93. **Finally, the Special Rapporteur recommends:**

**(a) That the Committee on Economic, Social and Cultural Rights request funder and partner States to report on the issue of development cooperation and the human rights to water and sanitation and to provide a venue for civil society to submit "alternative reports";**

**(b) That the Human Rights Council consider in the universal periodic review the issue of development cooperation in the context of water and sanitation services.**